

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

**CRIMINAL REVISION NO.1733 OF 2003**

DATE OF DECISION: FEBRUARY 12, 2007

M/S Fairdeal Agencies, Ludhiana

.....Petitioner

VERSUS

Pawan Goyal and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

PRESENT: Mr. Arun Palli, Advocate,  
for the petitioner.

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RANJIT SINGH, J.

The respondents, who were prosecuted for an offence under Sections 420, 465, 468 read with Section 120 IPC, stand acquitted of the charges preferred against them. Complainant has impugned the said order through the present revision.

The gravamen of the allegations made against the respondents was that they being the Incharge of the affairs of the Company known as M/s Rahul Dairy, had fabricated certain bills and other documents indicating sale of 300 tins of desi ghee to M/s Fairdeal Agencies Private Limited. It is further alleged that they had forged the receipt of transport, showing despatch of these goods through M/s Shiv Transport Contractor. The

respondents were accordingly prosecuted and ultimately acquitted of the charges.

Mr.Arun Palli, learned counsel for the petitioner, has mainly contended that prosecution was able to establish that no sale of desi ghee was done to the complainant Company and that the bills and the record of Transport Company had been fabricated by the respondents. The counsel would point out to the finding that even Registration number of truck in which the item was allegedly transported, was found to be that of a Kinetic Honda scooter. This is one facet of the case. A perusal of the case file and the documents would show that there are some civil suits pending between the petitioner and complainant concern. During the course of these civil proceedings, the complainant learnt during 1996 that the suit filed by M/s Rahul Dairy was based on some forged bills or other documents. Having so learnt this fact in the year 1996, the complainant did not take any action till May 1997 i.e. for more than one year of the date of their knowledge. Noticing this to be an inordinate delay on the part of the complainant in lodging an FIR, the Court doubted the version. The Court also found that taking the entire evidence into consideration, no offence was made out against the accused-respondents. The basic allegation made by the prosecution was that the bills and other records had been forged. The forgery of the bills could have been proved only by producing the original bills, which were allegedly forged. The Court found that the Investigating Officer had conducted a perfunctory investigation leaving some gaping holes in the case of prosecution. The Investigating Officer took into possession certain documents but those documents were not proved

and also were not properly exhibited before the trial Court. The forgery also could not be properly established against management of M/s Rahul Dairy. The original record on the basis of which the allegation of forgery had been made was lying before the Delhi Court where the civil suit had been filed. No such original document was obtained from the Court. It was also noticed that few of the prosecution witnesses did not support the case of the prosecution. Taking these aspects into consideration, the trial Court came to the conclusion that the case of the prosecution was not established beyond reasonable doubt. Considering the nature of the allegations made against the respondents and in order to succeed, the prosecution was required to produce original record and also to prove that the said record was forged. Since the prosecution failed to do so in a legal manner, the finding returned by the Court in acquitting the respondents would not call for any interference. Even otherwise, the impugned order is not perverse in any manner when it has acquitted the respondents, while giving benefit of doubt.

The present revision is accordingly dismissed.

**February 12, 2007  
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**( RANJIT SINGH )  
JUDGE**